

REMARKS

Claims 1, 3-6, 8-15 and 17 are pending. Claims 1, 3, 6, 8, 11, 12 and 17 have been amended. Claims 2, 7 and 16 have been cancelled without prejudice.

Claims 1, 6, 11, 12 and 15 are the independent claims.

Initially, Applicant notes that the Office Action Summary is incompletely filled out as to the drawings (item 10). It is impossible to tell whether or not the drawings have been accepted or objected to because neither box was checked. It is requested that this be filled in completely in the next Office Action. Since the body of the Office Action contained no discussion of the drawings, it is presumed that the Examiner intended to approve the drawings.

Applicant notes with appreciation the indication that claims 2 and 7, among others, contain patentable subject matter. Claim 1 has been amended to incorporate the features of now-cancelled claim 2. Claim 6 has been amended to incorporate the features of now-cancelled claim 7. At least because of these amendments, independent claims 1 and 6 are believed clearly in condition for allowance.

Claims 1, 5 and 15-17 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,052,577 (Taguchi). Claims 6, 10 and 12-14 were rejected under 35 U.S.C. § 103 as obvious from Taguchi in view of U.S. Patent 5,224,150 (Neustein). Claims 1, 5, 6, 10-11 and 15-17 were rejected under the doctrine of obviousness-type double patenting over claim 1 of U.S. Patent 6,625,455. Applicant submits that the amended independent claims are patentable over the cited references for at least the following reasons.

With regard to the rejection under the doctrine of obviousness-type double patenting, the incorporation of the features of claim 2 into claim 1, and claim 7 into claim 6

clearly obviates the double patenting rejection of claims 1 and 6 at least because claims 2 and 7 were not rejected under the doctrine of obviousness-type double patenting. The double patenting rejection of claims 5 and 10, which depend respectively on amended claims 1 and 6, are believed obviated as well.

Amended claim 11 recites, *inter alia*, a position management server that includes means for registering a relation between a content of a message and a telephone number of a portable telephone set. The network performs, if a communication suspended condition of the portable telephone set is recognized by referring to the position management server for making a call to the same, no incoming call processing for a public base station device where the portable telephone set has been position-registered by the position management server via the public base station device.

The amendment to claim 11 is believed clearly to overcome the double patenting rejection based on claim 1 of the '455 patent, since that claim does not teach or suggest the features of amended claim 11 discussed above.

Amended independent claim 15 recites, *inter alia*, a position management server coupled to a simple base station. The simple base station performs position-registration of the portable communication device in the position management server via a public base station device. This amendment is believed clearly to overcome the double patenting rejection of claim 15 based on claim 1 of the '455 patent, since that claim does not teach or suggest the feature of the position management server as recited in amended claim 15.

Moreover, amended independent claim 15 is believed to distinguish over the cited prior art references. That is, Taguchi relates to a system for limiting use of a portable telephone. However, Taguchi neither teaches nor suggests the above-mentioned feature of amended claim 15. Neustein, cited as teaching an auditorium cutoff system, does not remedy

the deficiency of Taguchi as a reference against amended independent claim 15. For at least the above reasons, amended claim 15 is believed patentable over the cited references.

Amended independent claim 12 recites, *inter alia*, performing a communication suspension setting or a communication suspension release setting for a position management server in a radio network, one portable telephone set having been positioned-registered in the position management server via a public base station device.

However, Taguchi, discussed above, neither teaches nor suggests the above-mentioned feature of amended claim 12. Neustein does not remedy the deficiency of Taguchi as a reference against amended independent claim 12. For at least the above reasons, amended claim 12 is believed patentable over the cited references.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

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In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

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